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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,927	08/24/2005	Pavel Jurik	CU-4209 BWH	3663
26530	7590	06/21/2006	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			PAYNE, SHARON E	
		ART UNIT	PAPER NUMBER	
			2875	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/534,927	JURIK, PAVEL	
	Examiner	Art Unit	
	Sharon E. Payne	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) 4 and 5 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen et al. (U.S. Patent 6,601,973) in view of Niethammer (DE 2,263,689).

Regarding claim 1, Rasmussen et al. discloses a carrier disc (Fig. 1A) provided with circular apertures allowing for lighting of gobos (Fig. 1A, reference number 28) wherein each segment is provided with a lamella (Fig. 1a, top portion of reference number 22) for attachment in the holder (Fig. 1a) with a setting portion to position the segment on the carrier disc (reference number 26, Fig. 1a). Rasmussen et al. does not disclose the resilient holding means.

Niethammer discloses the holder (Fig. 1, middle portion with radial extensions) to support interchangeable segments with the gobos (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Niethammer in the apparatus of Rasmussen et al. to support a segment removably in a simple manner. See Fig. 1 of Niethammer.

Concerning claim 2, Rasmussen et al. does not disclose flexible fingers. Niethammer discloses the holder comprising a system of flexible fingers (Fig. 1, center)

in a fan-shaped arrangement (Fig. 1), the fingers being at inside ends fixed to the carrier plate (Fig. 1, center) and on the outside free ends adapted to allow for insertion of the segment lamellas between the fingers and the carrier disc (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Neithammer in the apparatus of Rasmussen et al. to support a segment removably in a simple manner. See Fig. 1 of Niethammer.

Regarding claim 3, Rassmussen et al. does not disclose integrated fingers. Niethammer discloses the inside ends of the fingers being integrated into one unit (Fig. 1, center) while the number of fingers within this unit corresponds to the number of segments to be supported by the carrier disc (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Neithammer in the apparatus of Rasmussen et al. to support a segment removably in a simple manner. See Fig. 1 of Niethammer.

Allowable Subject Matter

3. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose replaceable gobos with the following features:

1) each segment being provided with a bearing supporting a driver with a gobo, the bearing inside ring being provided for by the driver outer rim and the bearing outside ring being attached to the segment lamella by a dismountable connection means as recited in claim 4; and

2) the setting portion for positioning the segment on the carrier disc comprises a dismountable connection for attachment of the gobo bearing outer ring on the lamella as recited in claim 5.

Response to Arguments

5. Applicant's arguments filed 4/7/06 have been fully considered but they are not persuasive. Applicant argues that Niethammer teaches away from the combination of Niethammer and Rasmussen, because Niethammer teaches fixed gobos. To the contrary, a reference only teaches away from a combination if it actually says not to do something. Merely teaching one configuration does not teach away from another configuration. Furthermore, nothing in the *body* of the claim requires that the apparatus be a rotary gobo. Thus, the claims can be rejected using a reference having a fixed gobo, because nothing in the body of the claims requires that the gobo be rotary.

Applicant goes on to argue that if the references were to be combined, the combination would be gobos that did not rotate on the carrier disc, contrary to what is shown in Rasmussen. Rasmussen is not being cited for having gobos that rotate on the carrier disc; it is being cited for its other features. Nothing in the claims requires that the gobos rotate on the carrier disc, and this should not be required of the combination.

Furthermore, the Applicant is requiring that I take the exact lamella of Rasmussen and stick it into the apparatus of Niethammer, but nothing in the claims requires the exact configuration of either reference. The claims merely refer to lamellas and flexible fingers and do not go into the details shown in Rasmussen and Niethammer. A person of ordinary skill in the art at the time the invention was made could easily take the ideas from the two references and combine them to come up with the *claimed* configuration.

Applicant also argues that no motivation exists to combine the references. To the contrary, the motivation is stated in the last paragraph of each rejection in the statement starting with "It would have been obvious . . . [,]" and the Applicant has not stated why the motivation is not proper. Furthermore, the motivation comes from the reference itself (see the cites). Thus, the combination is proper, and the rejections stand.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Sharon Payne
Patent Examiner
Technology Center 2800